

MICHAEL K. PORTER, OSB No. 211377
Deputy City Attorney
mike.porter@portlandoregon.gov
Portland City Attorney's Office
1221 SW 4th Ave., Rm. 430
Portland, OR 97204
Telephone: (503) 823-4047
Facsimile: (503) 823-3089
Of Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ANTONIO MARTINEZ,

Plaintiff,

v.

**CITY OF PORTLAND, OREGON;
PORTLAND POLICE BUREAU
OFFICERS, NICOLE K. KENNEDY,
INDIVIDUALLY; MICHAEL HOFFMAN,
INDIVIDUALLY; MATTHEW BOYD,
INDIVIDUALLY; JUSTIN BURNS,
INDIVIDUALLY; CLINT SNODGRASS,
INDIVIDUALLY; AND J. MCMURRAY,
INDIVIDUALLY,**

Defendants.

Case No. 3:23-cv-00124-SB

**DECLARATION OF MICHAEL K.
PORTER**

**(In Support of Defendant City of Portland's
Partial Motion to Dismiss)**

Pursuant to 28 U.S.C. § 1746, I, Michael K. Porter, hereby declare and testify as follows:

1. I am an attorney-at-law, duly authorized to practice law in this Court and in all of the state courts of the State of Oregon. I am the Deputy City Attorney at the Portland City Attorney's Office who is responsible for representing and defending Defendants City of Portland, Nicole K. Kennedy, Michael Hoffman, Matthew Boyd, Justin Burns, Clint Snodgrass, and James McMurray (hereinafter, "City") in this case. I am over the age of 18 and competent to testify to the matters set forth herein. I make this declaration based upon my own personal knowledge.

Page 1 – DECLARATION OF MICHAEL K. PORTER

2. On behalf of the City, I conferred with Jennie Clark and Joseph Haley, attorneys of record in this case for Plaintiff Antonio Martinez ("Plaintiff" or "Martinez"), by email on January 8-11 and 30-31, 2023, and then by telephone conference on January 31, 2023, in a good faith effort to resolve this dispute and the issues raised in the City's Partial Motion to Dismiss ("Motion"). Unfortunately, the parties were not able to resolve their dispute and Plaintiff objects to the relief requested in the City's Motion.

3. Attached hereto and incorporated herein as Exhibit 1 is a true and accurate copy of the March 3, 2022 Tort Claim Notice ("First TCN") from Drake Aehegma Attorney at Law on behalf of La'Nae Garcia-Simon, individually and on behalf of her and Christian Martinez's minor child, Dena Martinez, and Plaintiff Antonio Martinez.

4. Attached hereto and incorporated herein as Exhibit 2 is a true and accurate copy of the March 25, 2022 Tort Claim Notice ("Second TCN") from Clark Law & Associates on behalf of Plaintiff Antonio Martinez only.

5. Attached hereto and incorporated herein as Exhibit 3 is a true and accurate copy of the Enrolled House Bill 4212 from the 2020 Special Session of the Oregon Legislature.

6. Attached hereto and incorporated herein as Exhibit 4 is a true and accurate copy of the Enrolled Senate Bill 813 from the 2021 Regular Session of the Oregon Legislature.

I HEREBY DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED: March 1, 2023.

Respectfully submitted,

/s/ Michael K. Porter

Michael K. Porter, OSB No. 211377
Deputy City Attorney
Email: mike.porter@portlandoregon.gov
Of Attorneys for Defendants